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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/995,715	12/22/1997	IVANOV ANATOLY GENNADIEVICH	0971/OD319	8165

7590

01/16/2004

DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

48
DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/995,715

Applicant(s)

GENNADIEVICH, IVANOV
ANATOLY

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48,50,52,55-61,63,67,69-71,73 and 75-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48,50,52,55-61,63,67,69-71,73 and 75-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 10/30/03 has been entered.

Response to Arguments

2. Applicant's arguments filed 10/30/03 have been fully considered but they are not persuasive.

3. On pages 9-13 applicant discusses the drawings.

In the paragraph spanning pages 10-11 applicant discusses the screen of figure 1. Submission of figure 1 with the screen as a block would be acceptable. In paragraph b on page 11 applicant discusses cable 3. This argument is persuasive. In paragraph c on page 11 applicant discusses BDS element 6 and image plane 5. The objection is maintained since the shown polarizer 4 could not direct a block of raster elements onto a corresponding BDS element. The original filed specification at page 10 first full paragraph, page 8 last paragraph of substitute specification, does not describe how the polarizer 4 direct the image transmitted along cable 3 onto each BDS element. In paragraph d on page 11 applicant discusses sequence block sending. It is not seen how figure 1 is a general structure for both parallel and sequential sending of the blocks. On pages 11-12 applicant discusses figure 2, these arguments are persuasive. Figure 2 is approved since it appears to be a schematic rather than an actual drawing. On pages 12-13 applicant discusses figure 4(b), these arguments are persuasive. Figure 4(b) is approved since it appears to be a schematic rather than an actual drawing. On page 13 applicant discusses figure 5, these arguments are persuasive. Figure 5 is

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approved since it appears to be a schematic rather than an actual drawing. On page 13 applicant discusses figure 6. The tilt of mirrors 18 is approved since figure 6 appears to be a schematic rather than an actual drawing. Applicant failed to address the second objection of figure 6. Figure 6 shows lenses in the light focusing plane while the specification describes elements 23 as being holographic optic elements. Applicant needs to comment upon the drawing illustration used to depict a holographic element used as a focusing element.

4. On pages 14 and 15 applicant argues that the reasons for rejecting claims 48, 57 and 69 is incorrect, however, after review of the specification these reasons for rejecting are found to be correct, see the below 35 USC 112 rejection of the claims.

Drawings

5. This application was filed with incorrect drawings and applicant has attempted to submit drawings that do not enter new matter. This application did not incorporate by reference the foreign priority documents, thus, they cannot be used as the sole basis for drafting drawings for this application. It is noted that page 25 of the originally filed specification incorporated by reference all cited documents, however, the foreign priority documents were not cited in the specification, only in the declaration. Therefore, the specification as originally filed must be used to draft the drawings.

6. The proposed drawing correction filed on 04/04/03 and 10/30/03 has been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(f)

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states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of :

All references to the specification will be from the marked up copy filed on 04/04/03

Figure 1:

Pages 7-12 describes figure 1. Figure 1 shows the complementary screen 1 to be curved while the specification did not describe this. Figure 1 shows the BDS elements 6 as only partially covering the image plane 5 while the specification did not describe this. This arrangement will produce an image which has gaps between blocks.

Figure 1 fails to show how the block of raster elements from the complementary screen is sent to each of the BDS elements in a sequence as described in the originally filed specification at page 11 lines 17-19. The shown polarizer 4 could not direct a block of raster elements onto a corresponding BDS element. Nothing shown in figure 1 will allow the matrix of BDS elements to display a complete image in blocks in their proper places on the image plane 5.

Figure 6:

Pages 17-20 describes figure 6. Figure 6 shows lenses in the light focusing plane while the specification describes elements 23 as being holographic optic elements, not the shown lenses.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 48, 50, 52, 55-61, 63, 67, 69-71, 73 and 75-79 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 48:

At lines 4-5 applicant amended claim 48 to claim *from which array a plurality of raster elements each comprising at least one pixel are generated*. At page 9 lines 4-5 of the substitute specification applicant described each pixel of the N array corresponds to a pixel (claimed raster element). Since claim 48 claims *at least one* then more than one pixel per raster element is claimed. Clearly this was not described by the specification.

At paragraph (c) applicant claims *an array of controllable modulators to independently modulate each of the raster elements for each of said P blocks*. At page 15 lines 16-19, page 16 lines 1-12 and page 18 lines 2-6 of the substitute specification applicant describes one modulator for each block and independently modulates each pixel of each block. The scope of paragraph (c) is such

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that it claims a plurality of modulators for each block while the specification did not claim this.

Claims 57 and 69:

Claim 57 at lines 5-6 and paragraph (c) and claim 69 at lines 3-4 and paragraph (c) claim the same above identified limitations and these claims are rejected for the same reasons given for claim 48.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

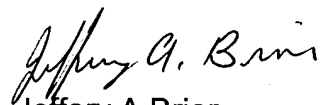
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
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